



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029



BY HAND DELIVERY and
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JAN 28 2014

Southern Convert Trucking
Sean Gardner, President
123 N. Church Street
Clifton Heights, PA 19018-1418

**Re: Required Submission of Information
Lower Darby Creek Site, Clearview Landfill
Darby Township, Delaware County, and Philadelphia, Pennsylvania**

Dear Mr. Gardner:

The U.S. Environmental Protection Agency ("EPA") is seeking information related to the release, or threat of release, of hazardous substances, pollutants or contaminants into the environment from the Clearview Landfill, Operable Unit 1 ("OU1") of the Lower Darby Creek Site ("Site"), located along Darby Creek in Darby, Pennsylvania. EPA is investigating the source of contamination at and from the Clearview Landfill. Information in EPA's possession suggests that Southern Convert Trucking ("SCT") recently began operating on a portion of the Site. The specific information required is attached to this letter as Enclosure E. Further directions regarding your response to this letter can be found in Enclosures A, B, C, and D.

Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e), EPA has the authority to require SCT to furnish all information and documents in its possession, custody, or control, or in the possession, custody, or control of any of its employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. § 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

Please respond in writing to this required submission of information within **thirty (30) calendar days** of your receipt of this letter.

If, for any reason, SCT does not provide all information responsive to this letter, then in its answer to EPA SCT should: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

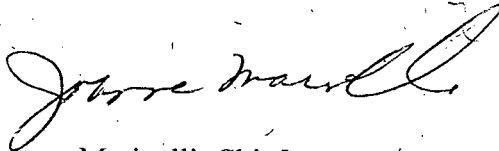
All documents and information should be sent to:

Carlyn Winter Prisk (3HS62)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any questions concerning this matter, please contact Ms. Prisk at (215) 814-2625, or have your attorney contact Senior Assistant Regional Counsel Bonnie A. Pugh at (215) 814-2680.

Sincerely,



Joanne Marinelli, Chief
Cost Recovery Branch

- Enclosures: A. Business Confidentiality Claims/Disclosure of Your Response to
EPA Contractors and Grantees
B. List of Contractors that May Review Your Response
C. Definitions
D. Instructions
E. Information Requested

cc: Bonnie Pugh (3RC42)
Carlyn Prisk (3HS62)
Josh Barber (3HS21)
Noreen Wagner (PADEP)

Enclosure A

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See, Enclosure B) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure B, you must notify EPA in writing at the time you submit such documents.

Enclosure B

[rev. 11/2013]

List of Contractors That May Review Your Response

Emergint Technologies, Inc.

Contract # EP-W-11-025

Subcontractor: Booz-Allen & Hamilton

Booz-Allen & Hamilton

Contract # EP-W-11-016

CDM-Federal Programs Corporation

Contract # EP-S3-07-06

Subcontractors: CDI-Infrastructure, LLC d/b/a L.R.
Kimball
Avatar Environmental LLC
Terradon Corporation

Chenega Global Services, LLC

Contract #EP-S3-09-02

EA Engineering, Science and Technology, Inc.

Contract #EP-S3-07-07

Subcontractor: URS

Eisenstein Malanchuck, LLP

Contract #EP-W-13-006

Subcontractors: R. M. Fields International, LLC
James C. Hermann & Associated

Hydrogeologic (HGL)

Contract #EP-S3-07-05

Subcontractor: CH2MHill
Sullivan International

Weston Solutions

Contract #EP-S3-1005

Tech Law, Inc.

Contract #EP-S3-1004

Tetra Tech NUS, Inc.

Contract #EP-S3-07-04

Kemron Environmental Services, Inc.

Contract #EP-S3-12-01,

Subcontractor: AECOM Technical Services, Inc.

Guardian Environmental Services Company, Inc.

Contract #EP-S3-12-02,

Subcontractors: Aerotek, Inc.,
Tetra Tech, Inc.

Environmental Restoration, LLC

Contract # EP-S3-12-03

Subcontractors: Aerotek, Inc
Haas Environmental, Inc.,
Hertz

WRS Infrastructure & Environment, Inc.

Contract # EP-S3-12-05

ICF International

Contract # EP-BPA-12-W-0003

Cooperative Agreements

12. National Association of Hispanic Elderly

CA# CQ-835398

National Older Workers Career Center

CA# Q-835030

Enclosure C

Definitions

1. The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
2. The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
3. The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 of the U.S. Code, (b) any element, compound, mixture, solution, or substance designated pursuant to Section 9602 of CERCLA, (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (42 U.S.C. § 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq., has been suspended by Act of Congress), (d) any toxic pollutant listed under Section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act, 42 U.S.C. § 7412, and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 2606 of Title 15 of the U.S. Code. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
4. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical

deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

5. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act, 42 U.S.C. § 2210, or, for the purposes of Section 9604 of CERCLA or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under 42 U.S.C. §§ 7912(a)(1) and 7942(a) and (d) the normal application of fertilizer.
6. The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
7. The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure D

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure A, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure C, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure C. Those terms shall have the meaning set forth in Enclosure C any time such terms are used in this Information Request and/or its Enclosures.

Enclosure E

Information Required

1. Describe Southern Convert Trucking's ("SCT's") corporate history in detail. Your answer should include:
 - a. The date and state of SCT's incorporation, or if it is not incorporated, the date and state of SCT formation;
 - b. A list of SCT's shareholders, directors, officers, or members;
 - c. Specific information on any mergers and acquisitions, name changes, asset purchases/sales etc. involving SCT's, including complete copies of all relevant documents.
2. What is the current nature of the business or activity conducted by SCT on the Site?
3. When did SCT begin operating at the Site? Has the nature of your operations at the Site changed since SCT began operating there?
4. Identify all persons SCT currently or formerly employs who have or may have personal knowledge of SCT's operations and waste disposal practices at the Site. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.
5. Who, to SCT's knowledge, is the current owner of the Site?
6. Describe in detail, and provide a copy of, the current or historic lease arrangements or agreements, between SCT and/or any party or individual, for use of the Site. Further, identify:
 - a. To whom SCT currently pays rent for use of the Site;
 - b. All other parties to whom rent has been paid, if different from the person or entity listed in 6a.
 - c. What are the current terms of SCT's lease arrangements or agreements for use of the Site? Provide a copy of SCT's current lease or use agreement.
 - d. Have the terms described in response to 6c changed since SCT began leasing the Site? Describe all changes in detail.
7. Identify all hazardous and non-hazardous waste streams generated by SCT during SCT's operations at the Site.

8. Describe SCT's waste disposal practices for each waste stream identified in Question 7. Your response should include how each such waste stream was stored prior to disposal, the method in which each such waste stream was disposed, the entity or person that transported each such waste stream and the name of the disposal location for each such waste stream.
9. Provide copies of all documents generated or maintained by SCT concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste. If documents no longer exist:
 - a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;
 - b. Describe any permits or permit applications and any correspondence between SCT and any regulatory agencies regarding the transportation and disposal of such wastes; and
 - c. Describe any contracts or correspondence between SCT and any other company or entity regarding the transportation and disposal of such wastes.
10. Did SCT ever spill or cause a release of any chemical, hazardous substance, and/or hazardous waste and/or non-hazardous solid waste containing hazardous substances at the Site? If yes, then identify the following:
 - a. The date(s) the spill(s)/release(s) occurred;
 - b. The location(s) at which the spill(s)/release(s) occurred;
 - c. The composition (i.e. chemical analysis) of the materials which were spilled/released; and,
 - d. The response made by or on SCT's behalf with respect to the spill(s)/release(s).

104(e) TRACKING UPDATES

FILE USER PRISK

EXT. 2625

SITE NAME LOWER DARBY CREEK DATE 4/30/14

PRP NAME SOUTHERN CONVERT TRUCKING DSN PA-3424

COMMENTS:

SDMS
LIT HOLD

Please indicate "PFE" or "CBI" on appropriate documents.

REMEDIAL ENFORCEMENT PLANNING

2c CORRESPONDENCE BY PRP

- ☐ 104(e) Letters
- ☐ Follow-up 104(e) Letters
- ☐ 104(e) Responses

REMEDIAL ENFORCEMENT IMPLEMENTATION

4a NEGOTIATIONS/SETTLEMENTS

- ☐ 104(e) Letters re: *De Minimis* Settlement
- ☐ Follow-up 104(e) Letters
- ☐ 104(e) Responses re: *De Minimis* Settlement

REMOVAL ENFORCEMENT PLANNING

7c CORRESPONDENCE BY PRP

- ☐ 104(e) Letters
- ☐ Follow-up 104(e) Letters
- ☐ 104(e) Responses

DATE COMPLETED _____

FILE: ☐ RETURN TO USER

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage

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Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

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Here

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Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

SOUTHERN CONVERT TRUCKING
SEAN GARDNER, PRESIDENT
123 N CHURCH STREET
CLIFTON HEIGHTS, PA 19018-1418

See Reverse for Instructions

PS Form 3800, January 2001

4899 91216 0006 0320 0000 1002

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- A signature upon delivery.
- A record of delivery kept by the Postal Service for two years

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- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, January 2001 (Reverse)

102595-01-M-1049